

SENATE JOINT RESOLUTION 76

By Berke

A RESOLUTION to amend Article II, Section 4 of the Constitution of Tennessee, relative to establishment of a redistricting commission.

WHEREAS, Article II, Section 4 of the Constitution of Tennessee requires the General Assembly to establish senatorial and representative districts after each decennial census; and

WHEREAS, this resolution shall be known as the "Tennessee Independent Redistricting Commission" Amendment; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed:

That Article II of the Constitution of the State of Tennessee be amended by deleting Section 4 in its entirety and by substituting instead the following:

Section 4. The apportionment of Senators and Representatives shall be substantially according to population. A five-member independent redistricting commission shall be established by the general assembly. After each decennial census made by the Bureau of Census of the United States is available, the commission shall establish senatorial and representative districts. The commission shall develop redistricting plans for the state in accordance with the following criteria:

- (1) Districts shall be represented by a single member;

(2) Districts must be substantially equal in population in accordance with constitutional requirements for “one (1) person one (1) vote” as judicially interpreted to apply to state legislative districts;

(3) To the greatest extent practicable, no county shall be divided in forming districts; provided, that for state representative districts no more than thirty (30) counties may be split to attach to other counties or parts of counties to form multi-county districts;

(4) Districts shall be contiguous and contiguity by water is sufficient, and, toward that end, if any voting district or other geographical entity designated as a portion of a district is found to be noncontiguous with the larger portion of such district, it shall be constituted a portion of the district smallest in population to which it is contiguous; and

(5) Geographic areas, boundaries and population counts used for redistricting shall be based on the most recent federal decennial census.

In developing the redistricting plans for the state, the commission shall not take into consideration, except to the extent necessary to comply with applicable federal law:

(1) The voting history of the population of a district; and

(2) The residence of incumbent members.

All meetings of the commission shall be open. The commission shall provide opportunities for public input concerning the redistricting process. The commission shall provide public access to information concerning each redistricting plan proposed for adoption prior to its adoption by the commission including, but not limited to, maps, population statistics and district components.

No plan shall be adopted by the commission with fewer than three (3) affirmative votes. The General Assembly may not amend, and the Governor may not veto, plans adopted by the commission. Redistricting plans shall otherwise be published in accordance with provisions of general law. The general assembly may terminate the commission after adoption of senatorial and

representative districts, but shall provide for re-establishment of the commission prior to each decennial census and to comply with judicial orders concerning adopted plans as needed.

The general assembly may additionally assign to the commission the duty of establishing the composition of districts for the election of members of the house of representatives in congress after each enumeration and apportionment of representation by the congress of the United States.

The provisions of this amendment shall take effect upon passage and shall apply to the 2020 redistricting cycle and subsequent cycles.

BE IT FURTHER RESOLVED, that the foregoing amendment be referred to the One Hundred Eighth General Assembly and that this resolution proposing such amendment be published in compliance with Article XI, Section 3 of the Constitution of Tennessee.

BE IT FURTHER RESOLVED, that the clerk of the senate is directed to deliver copies of this resolution to the secretary of state.